

902 KAR 2:055. Immunization data reporting and exchange.

RELATES TO: KRS 158.035, 211.090, 211.180, 214.032-214.036, 45 C.F.R. 164.512(b)

STATUTORY AUTHORITY: KRS 158.035, 158.037, 194A.050, 211.090(3), 211.180, 214.034, 214.036, 45 C.F.R. 164.512(b)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 211.180 requires the Cabinet for Health and Family Services to implement a statewide program for the detection, prevention and control of communicable diseases. KRS 214.034 requires public or private primary or secondary schools, day-care centers, certified family child-care homes, or any other licensed facility which cares for children to maintain a current immunization certificate on file for each child in attendance. KRS 158.035 prohibits a child from enrolling as a student in a public or private elementary or secondary school unless the child presents with a current immunization certificate issued by a licensed medical or osteopathic physician or an advanced practice registered nurse. KRS 158.037 requires the Cabinet for Health and Family Services to promulgate administrative regulations for public or private schools to report immunization results to local health departments. 45 C.F.R. 164.512(b), an implementing regulation for the Health Insurance Portability and Accountability Act (HIPAA), Pub. L. 104-191, permits a covered entity to disclose protected health information (PHI) for public health activities and purposes to a public authority that is authorized by law to collect or receive that information for prevention or controlling disease or surveillance. Vaccinations prevent disease and are a core public health function. Reporting vaccination status constitutes infectious disease control and surveillance. This administrative regulation establishes requirements for reporting immunization results in schools by the public health immunization reporting entity and permits recording and exchange of immunization data.

Section 1. Definitions. (1) "Public health immunization reporting entity" means a:

- (a) Health care provider;
 - (b) Health insurer;
 - (c) Public or private elementary or secondary school;
 - (d) Childcare facility;
 - (e) Preschool;
 - (f) Public or private postsecondary educational institution; or
 - (g) State or local health department.
- (2) "Public health interest" means participation in core public health functions such as:
- (a) Surveillance;
 - (b) Data collection;
 - (c) Vaccination;
 - (d) Vaccination certification; or
 - (e) Prevention of communicable diseases for the protection of the public's health and safety.

Section 2. Immunization Reporting. (1) Kindergartens and public and private elementary and secondary schools shall submit to the local health department in their area immunization results for kindergartens and sixth grades on the:

- (a) Commonwealth of Kentucky School/Facility Annual Immunization Survey: Kindergarten; and
 - (b) Commonwealth of Kentucky School/Facility Annual Immunization Survey: Sixth Grade.
- (2) The annual survey shall include the number of:
- (a) Students in the grade surveyed;
 - (b) Missing immunization records;

- (c) Religious exemptions;
- (d) Medical exemptions; and
- (e) Children who have received age-appropriate immunizations.

Section 3. Immunization Data Exchange. (1) A public health immunization reporting entity may record and exchange immunization data if the person requesting the data provides health related or educational services on behalf of the patient or has a public health interest in compliance with the Health Insurance Portability and Accountability Act (HIPAA), Pub. L. 104-191.

(2) Immunization data may be recorded and exchanged electronically via an immunization registry.

(3) Immunization data that may be recorded and exchanged may include:

- (a) Patient's name;
- (b) Patient's address;
- (c) Date of birth;
- (d) Gender;
- (e) Social Security number;
- (f) Medicaid number;
- (g) Birth state;
- (h) Birth County;
- (i) Mother's name;
- (j) Mother's maiden name;
- (k) Mother's date of birth;
- (l) Mother's Social Security number;
- (m) Father's name;
- (n) Father's date of birth;
- (o) Father's Social Security number;
- (p) Guardian's name;
- (q) Date vaccines were administered;
- (r) Vaccine type;
- (s) Vaccine lot number;
- (t) Vaccine manufacturer; and
- (u) Vaccine contraindications or adverse reaction indications.

(4) This section shall apply to immunization data regardless of when the immunizations occurred or the medium used to collect and exchange the data.

Section 4. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Commonwealth of Kentucky School/Facility Annual Immunization Survey: Kindergarten", 7/2011; and

(b) "Commonwealth of Kentucky School/Facility Annual Immunization Survey: Sixth Grade", 7/2011.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Commissioner's Office, Cabinet for Health and Family Services, Department for Public Health, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m. (30 Ky.R. 1990; Am. 2309; eff. 5-24-2004; 41 Ky.R. 637; 1072; eff. 11-19-2014.)